

**Press Conference
Attorney General John Ashcroft
and INS Commissioner Ziglar Announce INS Restructuring Plan
November 14, 2001**

ATTY GEN. ASHCROFT: I want to thank you for coming this afternoon.

Last week, I announced a wartime reorganization of the Department of Justice to accomplish our new mission: the protection of the United States of America and its citizens from terrorist attacks. Our objective is to build a leaner and more efficient, mission-focused department capable of meeting the threat of international terrorism, while at the same time fulfilling our traditional justice function of upholding the rule of law and protecting the freedom of all Americans.

Today, I am announcing a critical element of this reorganization that serves both our anti-terrorism mission and fulfills President Bush's pledge to improve the efficiency and effectiveness of the nation's immigration system. We are unveiling a restructuring plan for the Immigration and Naturalization Service that fundamentally reforms the agency by separating its service function from its enforcement function. This will begin implementation during the next 30 days.

The Immigration and Naturalization Service has struggled to perform two often competing missions; the first mission of welcoming new immigrants to America, and the second mission of seeking to protect our borders by enforcing immigration laws. In addition, the INS has suffered from insufficient accountability between field offices and the headquarters, and a lack of consistent operations and policies.

The terrorist attacks of September the 11th underscored in the most painful way for Americans that we need better control over individuals coming to our shores from other nations. We remain a nation committed to welcoming America's friends from abroad, but we have a new determination not to see our welcome abused by America's enemies.

The restructuring plan being announced today provides a framework that will allow the INS to better address its dual priorities of serving new immigrants and enforcing the nation's immigration laws. Under the plan, clear and separate chains of command for the agency's service function and the enforcement function are created. Efficiency is improved by eliminating layers of management between field offices and headquarters, and accountability is promoted by providing overall direction under a single agency head, the INS commissioner.

I thank President Bush for his leadership on this issue. Because he spoke out early and forcefully on the need for INS reform, long before the attacks of September the 11th, we have been able to move quickly to put a plan into place. In fact, I want to thank and commend Commissioner Ziglar for having delivered this INS restructuring plan to me in early September, before immigration reform gained new urgency as a result of the terrorist attacks.

I also want to recognize Congress's long-standing commitment to reforming the Immigration and Naturalization Service. I thank Congress for its efforts, and I look forward to continuing to work with the members of Congress to see to it that all the necessary reforms for our immigration system are made.

Our objective, both for the INS and for the Department of Justice as a whole, is to refocus on our core mission and responsibilities. America is a nation of immigrants. Our commitment to maintaining controlled but open borders in -- not only is enshrined in our laws, but it's deeply embedded in our national character. We cannot and will not allow those who would come to our country with evil intent, the intent to destroy freedom and to destroy the country and the openness which this country represents -- we cannot allow them to be here.

Under the restructuring plan being announced today, the INS will continue to serve and assist new immigrants to the United States. The INS will also be an important part of our effort to prevent aliens who engage in or support terrorist activity from entering our country. It will, in addition, detain and in some cases deport terrorist aliens already in our country, terrorist aliens that have violated immigration laws.

The restructuring of the immigration institutions we undertake today will make the INS a better servant to our friends and a greater obstacle to our enemies. In the war on terrorism, our greatest allies are those individuals, both overseas and here at home who have been exposed to our culture of freedom, those who have experienced the transforming that takes place when an individual's God-given potential is nurtured and respected in liberty, as it is here in America.

We act today to protect the lives and safety not just of Americans but all of those who believe in this idea and ideal of freedom, and all of those who have sacrificed to live amidst the blessings of freedom.

I personally am an individual who recognizes the value of immigration. Three of my four grandparents were immigrants to the United States of America. They came here because they believed that in America individual liberty and dignity were so profoundly respected and opportunity was so pervasively available that an individual here could make tomorrow better than today. This is the ideal of America which we will protect, and we will never cease to protect it.

When Emma Lazarus wrote the poem for the base of the Statue of Liberty -- "Give me your tired, your poor, your huddled masses yearning to breathe free, the wretched refuse of your teeming shores; send these, the homeless, tempest-tossed, to me; I lift my lamp beside the golden door" - she understood the value of liberty. She understood its catalytic impact, that it was in fact the character of that liberty that defined the potential of humanity, and it was defined more favorably here than anywhere else.

It must continue to be defined favorably here, and what we do today is a way of reinforcing this concept that America welcomes those immigrants who come here to promote, build, elevate, dignify, and lift up freedom, but it will not -- our nation will not welcome those who come to destroy freedom and whose confidence is not in liberty but is in the kind of subversion of liberty which the terrorist promotes.

I'm pleased very much in this endeavor to be able to work with Jim Ziglar, who is working aggressively and in ways that are to be commended to provide this new framework for restructuring for the Immigration and Naturalization Service of the United States of America. He deals with a challenge that is far greater than most understand. Well over 500 million people a year cross the borders of the United States of America, and he and those who work with him do yeoman's work in their efforts to make sure that we promote the safety, integrity, liberty, and freedom of the American people. His arduous effort to provide a plan for reorganization and improving our service to those who would come here and be a part of America is commendable indeed.

And I thank him, and it's my pleasure to introduce him at this time.

Jim.

MR. ZIGLAR: Thank you, General.

I want to start by thanking the employees of the INS who participated in putting together this restructuring plan. We had comments from all over the system. We had people participating in focus groups and that sort of thing, and they are as just as interested as the attorney general and the president and myself and the Congress in making fundamental reforms at the INS so that we can do our job better.

I also want to thank the Congress. I just was on the Hill speaking with Chairman Sensenbrenner and Chairman Gekas, talking to them about this plan, and tomorrow, at a hearing of the Immigration Subcommittee, I will go to present this plan to the Congress so that they will have a much better view of what is in the plan. Congress is very interested, as the attorney general mentioned, in seeing that fundamental reform occurs. We look very much forward to working with the Congress, with Congressman Sensenbrenner, Congressman Gekas, who have been very diligent in their oversight of this process, and we hope to be able to work out the process and the plan that will result in a much more effective INS.

But regardless of what the outcome is with respect to legislation or anything else, what we're doing -- what we're announcing today and what we hope to do is something that will have a material, positive effect on the performance of the INS.

Let me give you just a little brief overview of the approach to this restructuring. First, this is an administrative proposal. There will be legislation, or pieces of this that we know will be required. The Congress may want to do a big piece; they may want to do a small piece. But we definitely will be working with the Congress. We seek their support. We appreciate their interest in this issue.

Secondly, the broad goal here is to separate the two functions -- the two missions of the INS, as everyone knows -- into the service side of the business and into the enforcement side of the business. This is a proposal that has been on the table -- this concept has been on the table for a very long time. It's been talked about; it's been studied any number of times over the past few years. We think it makes sense to divide these two functions within the framework of one organization so that we can continue to share the information that we need to share that is generated on both sides of our business, and yet, at the same time, be able to focus on our particularly different missions within the four corners of this organization.

Third, the heart of this proposal -- if you really look at what is the heart of this proposal, and that is to build a clear chain of command so that we have people who are experienced and expert in their particular area, and they have clear, accountable goals and performance standards, so that we can actually focus on how well we're doing in our business. So chain of command is absolutely important, and accountability is absolutely important to this initiative.

Fourth, a very -- also very important, certainly in the post- September 11 environment, is that we're unifying our law enforcement efforts into one, again, chain of command. Before, we've had the stovepipes, if you will, where our inspections, investigations, the Border Patrol, intelligence, and other things had different chains of command; they didn't really report to -- cross over and didn't report to the same person. We're going to make this look more like a typical enforcement organization so that we will have this cross-pollination that we need and cross-exchange of information that's very important.

Fifth, we're going to be building on our information technology resources, as well as developing even better relations with other federal, state, local law enforcement agencies. And that's a key part of this plan.

There are some other initiatives that we're undertaking in this, and they are not necessarily related to the enforcement side, but they are related to the things that the general talked about, and that is making sure that this is a welcoming organization to immigrants, and that the people who come in contact with us have a good experience.

For one thing, we are going to be beefing up our customer relations effort, if you will. The people who get service, whether they're getting naturalization petitions processed, or whether they're getting a change in their status, or whatever, we're going to have a much better, more focused customer relations effort.

Secondly, we will be creating an ombudsman in the enforcement area. As you all know, any time you have enforcement actions, there are people who are unsatisfied or unhappy with what's happened. We're going to focus in on an ombudsman so that when there are unpleasant events that may occur in that enforcement environment, that there's a way for the person who's been affected by that to get some redress of the grievance immediately.

Also, we're going to be creating an Office of Juvenile Affairs. As some of you know, there's been a lot of criticism of the INS in the past about the way juveniles that were in our custody, or came within our reach, were treated. I am concerned about that. Senator Feinstein, I know, and I have talked about this at some great length. And we're creating an Office of Juvenile Affairs that reports directly to the commissioner, to make sure that we are sensitive to juveniles who are within our jurisdiction.

This is going to take -- this process is going to take, overall, a couple of years. We think that we will be finished with it by FY 2003.

However, it's going to start immediately, and it will be implemented over a period of time.

Frankly, let me tell you what the first actions are that we're going to take.

First, I'm going to appoint a director of restructuring so there's somebody within my office that will do nothing but focus on that. Then we're going to do three things in the very near term. We're going to have the Border Patrol sectors report directly to the Border Patrol chief. Now, that may sound strange to you. Why wouldn't the Border Patrol sector chiefs report to the chief of the Border Patrol? Well, guess what? It's not been that way. They've gone through a number of layers to finally get to the chief.

We saw in the September 11th environment a situation where I overruled the chain of command that we had and told the chief, who is here with us today, that I wanted him to do certain things and I wanted them done, forget about the chain of command. And they got done immediately.

And that's the kind of response that we want in this organization.

The second thing is that those people out there in the field who are responsible for service are now going to be reporting directly to an associate commissioner -- executive associate commissioner, who is responsible for service in this organization, instead of going through two or three different layers in order to get decisions.

And then, finally, we do own a number of detention facilities, as you know. And before, our detention facilities have reported to a particular district director in which it happened to be located, then that went to a regional director, and it went through a whole bunch of layers of bureaucratic process. And we're taking that detention part of it out and we're going to have it report directly up to headquarters and our head of detention and removal.

It's important that we move forward and that we move forward quickly. Administrative restructuring is something that we can do with great flexibility; we can move to change, and it does not get in the way of what the Congress may want to do in the long term with respect to the Immigration and Naturalization Service. If anything, I think it probably facilitates what Congress wants to do, and we're looking forward to working with the Congress on that.

With that, I appreciate the opportunity to do this, General. Thank you, sir.

ATTY GEN. ASHCROFT: Thank you very much.

Q Attorney General Ashcroft, Tony Blair said this morning that there was a tape that Osama bin Laden put out last week that presented clear evidence of his association in plotting and planning of the September 11 attacks.

Have you seen that tape? And do you consider that to be the clearest evidence yet?

ATTY GEN. ASHCROFT: Well, first of all, I believe that Osama bin Laden and al Qaeda are responsible for the September 11th attacks. We saw the roots of this organization in Afghanistan. We saw manifestations of the organization in Europe. We saw the outcome of the organization and the conspiracy in the United States of America -- in Pennsylvania, in eastern Virginia at the -- in the Washington, D.C., area, and in New York. So there's no question in my mind that Osama bin Laden and al Qaeda and the terrorist network are responsible for this outrage. I have not seen the tape and am not prepared to comment on it, but I certainly don't need any additional evidence, knowing what I know about the operation and the tragedy of September 11.

Yes, ma'am?

Q Sir, Governor Ridge has been talking about taking all the agencies that deal with the border -- Customs, Border Patrol, et cetera -- and putting them under one umbrella. How do you feel about that? And how would that jibe with the reorganization that's being talked about here, which would keep the Border Patrol as part of INS?

ATTY GEN. ASHCROFT: Well, of course the border integrity of the United States is very important. It's also important to understand that of the 19 known hijackers, all of them entered the country legally. So this wasn't necessarily the penetration of our border by those who didn't have the authority to come. So if we're going to look at problems that come from people being here, we probably ought to look at a wide variety of things, including how well we process people who want to come.

I've spent substantial time on our borders with those who are the investigators at the border and those who process people and with members of the Border Patrol. I'm pleased to see Gus DeLaVina here with us today. And they work very hard. We have about 550 or 560 million border crossings a year. And of those, about 330 million are non-Americans. A lot of Americans go in and out across the border. So it's a major enterprise.

I would welcome a thorough review of our border strategies, given the fact that we have the scale and the kinds of people who came in and out. I've been pushing for policies to scrutinize more carefully those who come into the country.

A serious immigration review should examine the millions of visas that are issued annually by America, by the State Department. Other immigration policies need to be looked at, not just to look at a rearrangement of the resources we've -- that we would deploy.

Our enforcement community works well, even together. In my visits to the border, I've been very impressed by -- well, if you -- the closest thing I can analogize this to is the tollbooths on the I- 95 going to New York. But coming into the United States, say, from Mexico, you have those kinds of booths. One is manned by INS, the next by Custom(s), the next by INS, the next by Custom(s), and they've cross-trained. So in many respects, some of the kinds of efficiencies that would come from coordination are already being merged by people on the front line, and they're to be commended for it.

Yes?

Q General Ashcroft, do you think it's preferable for Osama bin Laden and members of al Qaeda to be tried in a military tribunal? And wouldn't the American people have more confidence if they were tried in the U.S. legal system?

ATTY GEN. ASHCROFT: Well, let me just say that the United States is in the state of war, and I think it's important to give the president of the United States the maximum flexibility consistent with his constitutional authority.

A military commission that was mentioned in the order of the president would provide a jurisdiction for trying individuals who had committed or perpetrated war crimes, and these would be war crimes perpetrated by foreign nationals. These are not ordinary criminal events, and certainly not individuals who are American citizens.

In the course of the war, we may capture terrorists in places like Afghanistan, who I don't think we should have to bring back to the United States in order to bring them to justice.

Let me just indicate that there is a very substantial history in this arena. Military commissions have been used throughout history, since the Revolution and the War of 1812 and the Mexican-American War, the Civil War, and World War I and World War II. And World War II was the last war, I think, where we actually had people try to come ashore to do injury and harm in the United States.

The Supreme Court has upheld the constitutionality of the military commissions, particularly in the Quirin, regarding the Second World War, where President Roosevelt established the commission to try specific individuals. And in that case, it's substantially different than it is in this case because Roosevelt's order was a secret order, not known to the American people. And the scope of the order even applied to American citizens who were a part of any such activity, which happened to have been the case at the time.

The order issued by President Bush neither seeks to address citizens in the order, nor is it a secret order. It's pretty clear to me that the president is very well within the limits that have been sanctioned by the United States Supreme Court for the development of these kinds of options for treating war criminals -- not part of the criminal justice system of the United States, but war criminals. And foreign terrorists who commit war crimes against the United States, in my judgment, are not entitled to and do not deserve the protections of the American Constitution, particularly when there could be very serious and important reasons related to not bringing them back to the United States for justice.

Q Attorney General, you seem to be indicating that if Osama bin Laden is captured, he will, indeed, be tried via court-martial overseas. Is that the implication?

ATTY GEN. ASHCROFT: I'm not meaning to imply anything in particular. I think the order provides options for the president of the United States, so that he has the flexibility to act in the national interest, to deal with any circumstance that might arise.

Yes, sir.

Q This would seem to be, though, a departure from the past practice, where terrorists have been brought, in most cases, to New York for prosecution by the Southern District of New York, no matter where the incident was or where they were found. So what you're saying now is that, in the case of al Qaeda, from here on they may or may not be brought back to New York, that they may be prosecuted overseas?

ATTY GEN. ASHCROFT: I think it's important to understand that we are at war now. And it's pretty clear that the acts of the terrorists on the United States soil against innocent individuals in the United States -- acts which have subsequently been endorsed by the terrorists in their statements about how they say the United States' innocent people deserve this kind of treatment -- these are acts of war.

That distinguishes this setting from a variety of other settings. I'm not -- you know, there are similarities to some other settings. For instance, when people came ashore from Germany who came in from submarines in the Second World War, and the then-president of the United States said, "Those who invade our country, come here with the purpose of destroying America should be tried by a military commission in a time of war." I think there are similarities there.

It's important to note that the president has undertaken to issue this order as a way of providing himself with the flexibility of decision-making to deal with circumstances appropriately in a time of war. And I personally believe it's wise of the president to do so.

Q (Inaudible) -- is a war crime?

ATTY GEN. ASHCROFT: I believe those who flew airplanes into the World Trade Center, who commandeered airplanes that either crashed in Pennsylvania or into the Pentagon of the United States and those who assisted them in doing so committed the kinds of criminal activity that would qualify as war crimes.

Q And those overseas who might be charged with complicity?

ATTY GEN. ASHCROFT: I believe those people who were involved in those acts committed war crimes against the United States and against other nations. Let us not forget that what we are doing in this entire effort and the leadership of the president and the coalition of those supporting him reflects an understanding that people from 86 nations, innocent individuals from 86 nations were destroyed in these outrageous acts of terror. And they're acts of war against civilization in my judgment, as well as against the United States.

Yes, sir.

Q Sir, if there are people found in the investigation in this country that you're able to link to the September 11th attack, you know, for instance, among those already in custody, would you support seeing them tried in a military setting?

ATTY GEN. ASHCROFT: The president of the United States has created this order with a view toward developing the flexibility of providing him with the range of options necessary to protect our national interests. And the order speaks for itself.

Yes.

Q How much of it was driven by the fear that any trial in the U.S. could lead to further terrorist attacks?

ATTY GEN. ASHCROFT: My view is that this order is a very responsible exercise of the president's judgment to make sure that the options available to him to represent the national interests of the United States are as broad as they can be in order to make sure that we're successful in the pursuit of the war against terrorism. And that's the purpose of this.

I don't believe the president is focusing on a specific circumstance. He wants to say as we approach the maturation of this effort, we want to have a full range of options available to defend the interests of the American people.

Q Do you think the trials should be in public?

ATTY GEN. ASHCROFT: You know, I'm not going to comment on specific practices and procedures. When you're at war, there are times when you share information with the enemy, times when you don't share information with the enemy, and there are good reasons, depending on

circumstances, to either do that or not do it.

Thank you. Yes, sir?

Q Is there any indication whatsoever that the crash in New York is anything other than a mechanical mishap and tragedy?

ATTY GEN. ASHCROFT: We have been working very hard, working, frankly, with the National Transportation Safety Board, to develop information regarding that particular -- the flight there, which is a substantial tragedy. Just a minute. I had some notes on that, and I'd like to refer to them, if I could.

The National Transportation Safety Board, in settings like this, is the lead agency, but the FBI has been extremely active. Let me just say, to the extent that the FBI has about 130 agents assigned to the investigation, we've interviewed about 200-plus people in the area, as eyewitness or area participants in the overall situation. They heard or saw or were involved in some way.

Over 70 airline and airport personnel have been interviewed that had a relationship to the flight, worked on or dealt with the plane before its departure. There's an explosives residue team that's examining the plane for any traces of explosives.

And I should add that this is standard. This is not a result of any conclusion. But this is the kind of activity that is standard operating procedure, so that we don't leap to a conclusion either one way or another. We're checking the passengers and crew, which is also a standard procedure.

Both flight recorders have been recovered, and we hope that there may be something there that will provide us with additional information.

We're actively investigating all possibilities, including terrorism. To date, we have not found any evidence that this was anything other than a tragic accident.

That does not mean that we have concluded that there was no crime. We simply have no evidence to date of a crime of terrorism. But the investigation is substantial and it's ongoing.

Yes?

Q Attorney General, how will the INS restructuring help you track foreigners who come into this country, that's become an issue since the attack? How will that help assist you?

ATTY GEN. ASHCROFT: Well, frankly, we hope that there will be additional efficiencies in the system that come from clear reporting of enforcement personnel to enforcement personnel, rather than having enforcement personnel report through the other side of the operation, which is service, and the fact that we didn't have clear lines of authority. I would hasten to add that we believe there are improvements that we can make that flow from the kinds of things I mentioned earlier -- the right kind of approach to who we invite to the country in the first place, the kinds of information we ask for them to give us, our ability to verify and validate that information, and our ability to ask individuals to report during the pendency of their stay in the country, a number of things that can assist us. And we don't see this reorganization as being an end to all that would ever be done to improve our performance, but it is a major step in terms of the structure and foundation upon which better performance can be built.

Yes?

STAFF: One more question, please.

Q Attorney General, I wonder if you could address concerns raised yesterday at a congressional hearing by members of the Border Patrol in which they said that when they arrest people that have sneaked across the border -- so, clearly these are illegal entries -- they are not required to do criminal background checks on them. They can release them on their own recognizance, and frequently do, with promises that they ask for that these people will come back for deportation hearings. And of course, they say, they rarely do. I wonder if you could address this. They say it has not really changed since September 11th.

ATTY GEN. ASHCROFT: I'm -- frankly, I'm not prepared to make a comment on that. I have been on the border. I've spent time with Border Patrol agents. I've watched them work. I've been engaged in -- I've seen them discover illegals welded into compartments of cars and trucks and a variety of other things. I know they have a tremendous responsibility.

I know they have a tremendous responsibility. But I'm not prepared to answer about how each case is processed. And we're very happy to receive from the Congress any expression of their concerns. And frankly, if there are ways to improve our performance, that's what the administration should be all about. So we'll be eager to confer with the Congress about our ability to have better performance, and look forward to it.

Thank you.

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